

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

ALEX LANDRY, individually and on behalf)	
of all other similarly situated current citizens)	
of Illinois and the United States,)	
)	
Plaintiffs,)	Civil Action No. 3:24-cv-1661-SPM
)	
v.)	
)	
POST CONSUMER BRANDS, LLC,)	
)	
Defendant.)	
)	

**POST CONSUMER BRANDS, LLC’S MOTION TO DISMISS
CLASS ACTION COMPLAINT**

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Attorneys for Post Consumer Brands, LLC

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant Post Consumer Brands, LLC (“Post”), by and through its attorneys, hereby moves to dismiss Plaintiff’s Class Action Complaint for Damages (Dkt. 1-2) with prejudice on the following grounds:

First, Plaintiff’s claims should be dismissed under Federal Rule 12(b)(6) because they fail to state a plausible claim for relief. Specifically, Plaintiff’s contention that the subject products’ nutrition facts labeling panel deceptively misrepresents the weight of a serving size, and thus the number of servings contained per container of the subject projects, would not mislead reasonable consumers.

Second, Plaintiff fails to adequately allege that he, or putative class members, suffered any actual harm, as required to plausibly plead a claim for relief under the Illinois Consumer Fraud Act and many of his other claims for relief. Moreover, Plaintiff’s other claims independently fail for additional reasons.

In support of this Motion, Post submits its accompanying Brief in Support in conjunction with the concurrently filed Motion for Judicial Notice (along with Exhibits A and B attached thereto).

WHEREFORE, Post respectfully requests that the Court dismiss Plaintiff’s Class Action Complaint in its entirety, with prejudice, and grant Post any other relief as this Court deems just and proper.

DATED: September 9, 2024

/s/ Patrick D. Cloud

Patrick D. Cloud

Illinois Bar No. 6282672

Counsel for Defendant Post Consumer Brands, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was filed on September 9, 2024, with the Court and served electronically through the CM/ECF system to all counsel of record registered to receive a Notice of Electronic Filing for this case.

/s/ Patrick D. Cloud

Patrick D. Cloud

Illinois Bar No. 6282672